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## Costs Decision

Site visit made on 30 June 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> July 2025

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### **Costs application in relation to Appeal Ref: APP/T2350/W/25/3364202 Higher Trapp Hotel, Trapp Lane, Simonstone, Lancashire BB12 7QW**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Lakeside Collection Limited (trading as Lavender Hotels) for a full award of costs against Ribble Valley Borough Council.
  - The appeal was against the refusal of planning permission for the erection of two freestanding hot tub facilities within the hotel grounds for a temporary period each year.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The applicant contends that the Council inaccurately assessed the proposal's impact on the landscape and character of the area including having regard to the site's pre-development condition, and inconsistently applied development plan policies. Also, that the Council failed to take account of other considerations including a recent appeal decision on an adjacent site and permitted development rights including a potential fallback position.
5. As evident in their officer report and its appeal statement, the Council adequately explained its reasoning having regard to the design and materials of the appeal proposal, and its effect on the character of the area. The Council's narrative is not entirely clear in relation to landscape impact of the development following removal; however their reasoning does not centre on this point. Furthermore, it is evident within their appeal statement, that at least in part, they are referring to the impact of the dismantling and reconstruction of the development on the health of trees.
6. The Council has applied relevant development plan policies in relation to the general assessment of design, character and appearance (policies DMG1 and DMG2). The policies including national policy, referenced by the applicant are not included on the decision notice, but this does not equate to 'silent compliance.' It

may have been helpful, but not essential, to refer to policy DMB3 in particular, as it refers to tourism development. However there is no tension between any of the policies cited by either party because respecting landscape character is a common thread.

7. The Council did not factor in the recent appeal decision on adjoining land in their reasoning, as they did not consider it to be directly relevant. I agree. Despite their proximity, the context is different visually, spatially and functionally.
8. There is little evidence before me to suggest that the points relating to permitted development and a fallback position were presented to the Council during the determination of the planning application, either in the plans, or covering letter. The Council were entitled to make their decision based on the information before them.
9. In addition to the above points, the applicant contends that it was unclear if the Council mistakenly failed to include a reason for refusal relating to trees, and that their statement of case failed to engage with the reason for refusal or robustly defend their position.
10. It is evident within the delegated report that the Council undertook a balanced judgment in respect of any impact of trees. Whilst they concluded that a reason for refusal based on this effect was not warranted, the extent of harm was expanded upon in their statement of case. It is also evident that, whilst the Council could have relied solely on the delegated report if they had chosen to, they engaged with the reason for refusal at paragraph 1.3 of their comments on the appellant's statement.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*E Heron*

INSPECTOR